

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DB HOMES DESIGNS, LLC d/b/a EKB
KITCHENS, a Delaware Limited Liability
Company,

Plaintiff,

v.

MATTHEW WILHELM, an individual; LEAH
RUSSO, an individual; STEPHANIE
HENDRICKS, an individual; and EMMCO
KITCHENS INC., a New York Corporation,

Defendants.

Civil Action No. 7:23-cv-11307-PMH

**~~PROPOSED~~ ORDER DISMISSING
CERTAIN OF PLAINTIFF'S CLAIMS
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(2)**

PMH

IT IS HEREBY ORDERED, pursuant to Federal Rule of Civil Procedure 41(a)(2), and upon plaintiff DB Home Designs, LLC's ("Plaintiff") request, that:

- Plaintiff's fourth claim for Breach of Contract – APA is dismissed as to defendant Matthew Wilhelm in his individual capacity only,¹ without prejudice, with each party to bear its own attorneys' fees and costs;
- Plaintiff's ninth claim for New York Unfair and Deceptive Trade Practice is dismissed as to all defendants, without prejudice, with each party to bear its own attorney's fees and costs.

Entered this 17 day of June, 2025.
White Plains, New York



The Honorable Philip M. Halpern
United States District Judge

¹ Plaintiff's fourth claim for Breach of Contract – APA against defendant Emmco Kitchens Inc. remains.